

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,  
10  
11 Plaintiff,  
12 v.  
13 CYNTHIA RAINWATER,  
14 Defendant.

Case No. 2:19-CR-022-RSL  
  
ORDER GRANTING  
UNOPPOSED MOTION TO  
CONTINUE TRIAL AND  
PRETRIAL MOTIONS  
DEADLINE

15  
16 This matter comes before the Court on defendant Cynthia Rainwater's "Unopposed  
17 Motion to Continue Trial and Pretrial Motions Deadline." Dkt. #13. Having considered the facts  
18 set forth in the motion, and defendant's knowing and voluntary waiver, the Court finds as  
19 follows:

20 1. The Court adopts the facts set forth in the unopposed motion; specifically, that  
21 defense counsel needs additional time to review discovery and conduct investigations and legal  
22 research, especially given defense counsel and defendant's medical issues. The Court  
23 accordingly finds that a failure to grant a continuance would deny counsel, and any potential  
24 future counsel, the reasonable time necessary for effective preparation, taking into account the  
25 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

26 2. The Court finds that a failure to grant a continuance would likely result in a  
27 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).  
28

ORDER GRANTING UNOPPOSED MOTION TO CONTINUE  
TRIAL AND PRETRIAL MOTIONS DEADLINE - 1

3. The Court finds that the additional time requested between April 8, 2019, and the proposed trial date of September 9, 2019 is a reasonable period of delay, as defense counsel needs additional time to review discovery and conduct investigations and legal research. The Court finds that this additional time is necessary to provide defense counsel reasonable time to prepare for trial, considering all the facts set forth above.

4. The Court further finds that this continuance would serve the ends of justice, and that these factors outweigh the best interests of the public and defendant in a speedier trial, within the meaning of 18 U.S.C. § 3161(H)(7)(A).

5. Defendant has signed a waiver indicating that she has been advised of her right to a speedy trial and that, after consulting with counsel, she has knowingly and voluntarily waived that right and consented to the continuation of her trial to a date up to and including September 30, 2019, Dkt. #14, which will permit trial to start on September 9, 2019, per defense counsel's request.

IT IS HEREBY ORDERED that the trial date be continued from April 8, 2019  
September 9, 2019.

IT IS FURTHER ORDERED that the pretrial motions cutoff date be continued to August 1, 2019.

IT IS FURTHER ORDERED that the period of time from the current trial date of April 8, 2019, up to and including September 30, 2019, shall be excludable time pursuant to the 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

DATED this 1<sup>st</sup> day of March, 2019.

Mr S Casnik

Robert S. Lasnik  
United States District Judge